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| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/609,285 | MORISHIMA, MORITO | |
| | Examiner | Art Unit | |
| | TAN X. DINH | 2653 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/18/2005.
2. ☒ The allowed claim(s) is/are 3-18 (renumber as 1-16).
3. ☒ The drawings filed on 18 May 2005 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

TAN Xuan DINH
 Primary Examiner
 Art Unit: 2653

- 1) The amendment filed 5/18/2005 is acknowledged. Claims 1 *and* 2 have been canceled. New claims 7-18 are currently been added.
- 2) Claims 3-18 are allowed.


The optical disc recording apparatus comprises an optical pickup that irradiates a laser light onto a label surface of an optical disc, a servo device that performs focus servo for maintaining an approximately fixed distance between the optical disc and the optical pickup and outputs a signal showing whether the focus servo fails or not, a position moving device that moves an irradiating position of the optical pickup on the optical disc, a laser power controller that controls a laser power of the laser light in accordance with input data to be recorded, a detector that detects whether the focus servo fails or not in accordance with the signal output by the servo device, an obtaining device that obtains a distance and an angle as a benchmark position, the distance being from an optical disc center to an irradiating position of the laser light, and the angle being between a baseline from the optical disc center to an outer periphery and a line from the optical disc center to the irradiating position, when a failure of the focus servo is detected by the detecting device, and a controller that controls the laser power controller to pause the control of the laser power in accordance with the data to be recorded and thereafter controls the

position moving device and the laser power controller to restart the control of the laser power in accordance with the data to be recorded from the benchmark position as a restarting position, as recited in the independent claims, are not found or suggested in the prior art of record.

3) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner TAN X. DINH whose telephone number is (571)272-7586. The examiner can normally be reached on Monday-Friday from 8:00AM to 5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TAN DINH
PRIMARY EXAMINER
July 11, 2005